

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED APR 14 2010 CLERK, U.S. DISTRICT COURT By _____ Deputy

UNITED STATES OF AMERICA

v.

CLARENCE W. HUBBY

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No. 4:10-CR-042-Y (1)

FACTUAL RESUME

INFORMATION: Count One - False Statement as to a Matter within the Executive Branch, in violation of 18 U.S.C. §1001.

PENALTY: \$250,000 fine, five (5) years imprisonment, or both, such fine and imprisonment, plus a term of supervised release of up to 3 years.

MAXIMUM PENALTY:

\$250,000 fine and five (5) years imprisonment, plus a term of supervised release of 3 years. Further, if any term of supervised release is violated, the defendant could be imprisoned for the full term of supervised release. The effect of the revocation of the term of supervised release is to make the overall period of incarceration longer. In addition, the Court, pursuant to 18 U.S.C. §3663A, shall order the defendant to pay restitution to any victim of his crime, which could include community service. Further the Court must impose a Mandatory Special Assessment of \$100.00.

ELEMENTS OF THE OFFENSE:

The essential elements which must be proved beyond a reasonable doubt in order to establish the offense charged in Count One of the Information are as follows:

1. That the defendant made a false statement to a special agent of the United States Department of Justice regarding a matter within its jurisdiction;
2. That the defendant made the statement intentionally, knowing that it was false;
3. That the statement was material; and
4. That the defendant made the false statement for the purpose of misleading the United States Department of Justice.

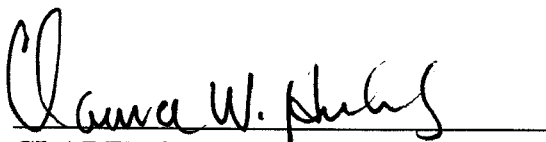
STIPULATED FACTS:

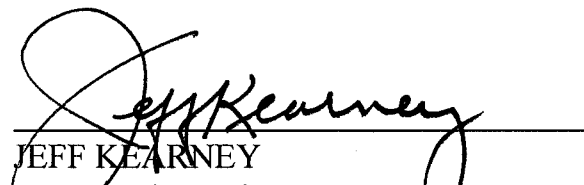
Defendant Clarence W. Hubby was employed as a Correctional Officer at the Federal Medical Facility (FMC), Carswell, Fort Worth, Texas. Special Agent James H. Mahon, United States Department of Justice, Office of Inspector General, was conducting an official investigation into allegations related to inappropriate contact between Hubby and a female inmate T.G. of that facility.

On September 1, 2009, SA Mahon interviewed defendant Hubby regarding the investigation. During the course of the interview, and in a signed sworn affidavit executed by him following the interview, defendant Hubby stated that he sent money wire transfers to inmate T.G. on only two occasions; that the money for the wire transfers came from a man by the name of Rebel Williams whom he met in the parking lot of FMC Carswell around December 2008 or January 2009 and that they were sent as a favor to and at the request of that man.

On December 14, 2009, SA Mahon re-interviewed defendant Hubby, who stated during the course of the interview and reiterated in a signed sworn affidavit executed by him following the interview, that the statement he gave SA Mahon on September 1, 2009, regarding the Western Union wire transfers to the female inmate was false. Defendant Hubby stated that he never met anyone named Rebel Williams; that the money used to send the wire transfers belonged to the defendant; that he sent these money wire transfers to inmate T.G. on four separate occasions; and that he used a false name and address to send the wire transfers because he knew it was a violation of BoP policy for him to send money to an inmate and he would be investigated by BoP and the Department of Justice OIG.

SIGNED this 30 day of March, 2010.


CLARENCE W. HUBBY
Defendant


JEFF KEARNEY
Attorney for Defendant